

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:06CR200
vs.)
THOMAS WALZ,)
Defendant.) ORDER

This matter is before the court on the motion of the government to continue the trial of this matter scheduled for January 8, 2007 (Filing No. 22). Government's counsel represents that counsel for the defendant Thomas Walz has no objection to the motion. Walz's counsel represents that Walz consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The government's motion to continue trial (Filing No. 22) is granted.

2. Trial of this matter is re-scheduled for **February 26, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 28, 2006 and February 26, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of December, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge